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ORIGINAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS <b>FILED</b> JUN - 4 2009 CLERK, U.S. DISTRICT COURT By <u>[Signature]</u> Deputy
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Jane Doe I-III  
Plaintiffs,

v.

Sung Bum Chang  
Hyany Kyung Chang  
Club Wa, d/b/a  
Wa Entertainment, Inc.  
Defendants.

Civil Action No. 3:08-cv-2189-N

**REQUEST FOR RECONSIDERATION OF ORDER ALLOWING  
PLAINTIFFS LEAVE TO PROCEED ANONYMOUSLY**

1. Plaintiffs, Jane Doe I - III, through their counsel, filed the said motion seeking leave to proceed anonymously, contemporaneously with the Original Complaint in this matter.
2. In their motion, the Plaintiffs request the Court's permission to proceed with this action anonymously. Furthermore, the Plaintiffs have withheld their addresses from the Defendants.
3. Defendant, proceeding pro se, humbly requests reconsideration of the order, dated May 8th, 2009, granting

- "leave to Plaintiffs to proceed anonymously, without prejudice to reconsideration should any party subsequently oppose the request" be reconsidered and denied. (Attachment A).
4. To justify their request, Plaintiffs allege that the Defendants have demonstrated a pattern of aggressive and threatening behavior towards them. They, however, fail to point out a single aggressive act or threat directed at them since April 2005, when criminal charges based on Plaintiffs' allegations were levied against the Defendants.
  5. Defendants deny the aggressive and threatening nature of the allegations dating on or before April 2005. Even the United States District Judge Sam Lindsay noted at Defendant Sung Bum Chang's sentencing hearing that there is not sufficient evidence to indicate that he ever displayed/brandished a firearm in a threatening manner. (see Attachment B).
  6. Judge Lindsay also ordered that the Defendants' may not contact the Korean Native ex-hostesses. An order that the Defendants have respected and adhered to fully. Certainly, Plaintiffs have not and can not show any violations by Defendants.
  7. Furthermore, this makes any potential threat/harm to Plaintiffs impossible because contact between Defendants and

Plaintiffs is already prohibited.

8. No civil liability/damages can ever be greater than imprisonment, something that Defendant Sung Bum Chang is already being subjected to. Despite this, Defendants have not acted out in any way against the Plaintiffs or anyone affiliated to them. This is all the more critical because, Defendants presently have no income, no savings, and extremely limited assets. Thus, any civil damages that may be awarded should Plaintiffs prevail, would likely be inconsequential to the Defendants financial status.
9. Therefore, any remote theoretical risk of potential harm in this case is just that, remote and theoretical. Additionally, it is not any greater in this case than any other case involving civil damages.
10. Opposite to a remote theoretical risk to Plaintiffs is a real, practical prejudice to Defendants and the integrity of the judicial proceedings if the Plaintiffs are allowed to proceed anonymously and/or if the Courtroom is closed to the public for any aspect of the judicial proceedings.
11. Generally, a plaintiff must disclose his or her name in a complaint. Does I - XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1072-3 (9th Cir. 2000). Also, there is a strong, customary presumption of openness in judicial proceedings.

Id. After-all, our Constitution requires it. Certainly, Public interest are best served with open and transparent judicial proceedings.

12. Any potential balancing tests between withholding or disclosing the identity of parties in judicial proceedings here strongly weighs in favor of disclosure.
13. Caselaw warrants disclosure. see Advanced-Textile-Corp., supra. That case involved plaintiffs that were continuing their employment and were under control of Advanced Textile Corporation at the time of the lawsuit. Plaintiffs, here in-contrast, are in no way under any control of the Defendants. Therefore, there is no risk of reprisal that can be deflected through withholding the identity of the accusing parties. Furthermore, Advanced-Textile Court held that any potential risk of reprisal is diffused when a majority of the individuals in a class become part of a suit. Here, in addition to Jane Doe I-III, Jane Roe I and II, have filed a civil complaint against the Defendants in the same Federal Courthouse. see case 3:09-cv-747-N. Therefore, 5 of the 7 ex-hostesses in the criminal case have filed civil actions against Defendants. Any balancing test used in Advanced-Textile would certainly favor disclose in this case.
14. Also, precedent in Southern-Methodist-Univ.-Ass'n-of-Women

Law\_Students\_v.\_Wynne\_&\_Jaffe, 599 F.2d 707, 711 (5th Cir. 1999), warrants disclosure of Plaintiffs' identities. The central holding in that case required that the threats and risk of retaliation be extraordinary for the identity of a Plaintiff to be withheld. Circumstances were not extraordinary in Southern Methodist University and they certainly are not here at this stage of the legal proceedings.

15. The only potential reason for Plaintiffs to conceal their identity is an pt to evade a risk of criminal prosection. Doe\_v.\_Stegall, 653 F.2d 180, 185 (5th Cir. 1981). Meaning, if they are planning on committing perjury; in such a case, by withholding their identity, the Plaintiffs may be able to escape potential criminal liability for their actions. Certainly, Defendants' require the identity of the Plaintiffs to demonstrate the perjurious nature of their testimony, if and when they testify. Defendants' right to meaningful confrontation is protect by the Constitution. U.S.\_Const.\_Sixth\_Amendment. Again, this favors full disclosure of the Plaintiffs' identities.

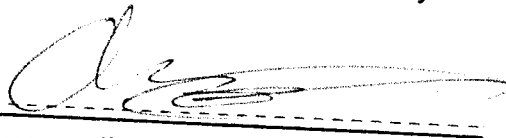
#### CONCLUSION

Defendants and the Public have constitutionally protected

interests warranting disclosure of the Plaintiffs' identities. Plaintiffs' have failed to demonstrate any real, immediate, or extraordinary threats that would overcome the presumption of disclosure of Plaintiffs' identities. Accordingly, their motion to proceed anonymously and for closed judicial proceedings of any kind should be denied.

Also, Defendant requests this court to liberally construe the pro se petition and grant any other relief that the Court deems appropriate.

Respectfully Submitted,



Hyang Kyung Chang, individually,  
(Defendant)  
565 West Oates Rd., #166  
Garland, TX 75043

CERTIFICATE OF SERVICE

I, Hyang Kyung Chang, Pro se Defendant, hereby certify that a copy of this motion has been sent with the appropriate First Class postage by depositing it in the Garland Post Office on the      Day of May, 2009, to:

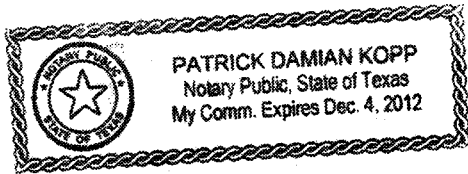
1. United States District Court  
Office of the Clerk  
Northern District of Texas, Dallas Division  
1100 Commerce, Room 1452  
Dallas, TX 75242-1495.
2. Luis G. Zambrano, Esq.

Fulbright & Jaworski L.L.P.  
2200 Ross Ave., Suite 2800  
Dallas, Texas 75201



Hyang Kyung Chang

SCRIBED AND SWORN TO BEFORE ME on the 3 Day of <sup>June</sup>~~May~~, 2009.



Notary Service, in and for,  
State of Texas

My Commission expires on: 12-4-12

ATTACHMENT

A

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JANE DOES 1-3,

Plaintiffs,

v.

SUNG BUM CHANG, *et al.*,

Defendants.

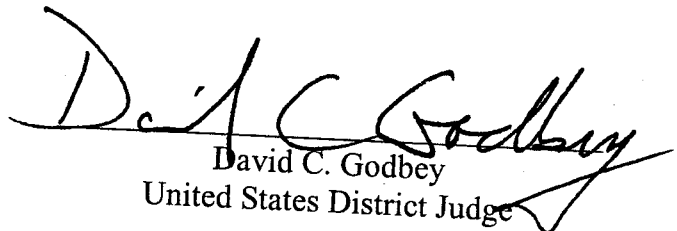
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Civil Action No. 3:08-CV-2189-N

**ORDER**

This Order addresses Plaintiffs' motion seeking leave to proceed anonymously [4]. No party has filed any opposition to the motion. Accordingly, the Court grants leave to Plaintiffs to proceed anonymously, without prejudice to reconsideration should any party subsequently oppose the request. The Court denies the balance of relief requested in the motion.

Signed May 8, 2009.

  
David C. Godbey  
United States District Judge

1 paragraph 51 of the pre-sentence report. Once again, the  
2 key is whether or not the weapon was displayed to  
3 intimidate that person.

4 The Court does not believe that the government has  
5 carried its burden with respect to this matter. There is  
6 evidence. However, the Court cannot view the evidence in  
7 a vacuum. Frankly speaking, the statement yes, I have a  
8 gun, is too tenuous in the Court's estimation. It is too  
9 slender of a reed to establish that a weapon was displayed  
10 in a manner to intimidate a person.

11 Absent more testimony, the Court simply cannot make  
12 that finding. We have the statement. That statement can  
13 be interpreted several different ways. The Court is fully  
14 aware of the context in which this offense took place.  
15 Frankly speaking, the statement could have been made to  
16 intimidate or could not have been made to intimidate. The  
17 Court simply does not have enough evidence.

18 The Court cannot speculate or add to or guess the  
19 meaning of that statement. Moreover, there is a statement  
20 by the Defendant and in light of that statement and in  
21 light of the uncertainty in which -- the context of which  
22 the statement was made, the Court simply does not have  
23 enough to conclude that the government has carried its  
24 burden by a preponderance of the evidence. Therefore, the  
25 objection is sustained. What is the next objection?

Charyse C. Crawford, CSR, RPR  
1100 Commerce Street, Room 1312, Dallas, Texas 75242  
(214) 753-2373 Telephone (214) 753-2372 FAX  
Charyse\_Crawford@txnd.uscourts.gov or Charyseokc@aol.com

ATTACHMENT

B

Hyang Kyung Chang  
565 West Oates Rd #166  
Garland Tx 75043

May 21 2009

United States District Court  
office of the Clerk  
Northern District of Texas  
1100 Commerce Room-1452  
Dallas Tx 75242 - 1495

Dear Clerk of the Court

RE: Jane Doe I - III vs. Hyang Kyung Chang et al  
Case No. 3:08-CV-2189-N

Enclosed please find two(2) copies of a motion titled  
" Request for Reconsideration of order allowing plaintiff leave  
to proceed anonymously "

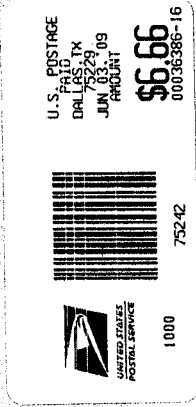
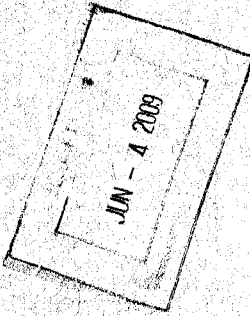
Please docket the enclosed motion in the above captioned  
case.

Your assistance is greatly appreciated.

Respectfully Signed.

Hyang Kyung Chang  
(Defendant pro-se)

HYANG KYUNG CHANG  
565 West Oates Rd #166  
Garland, Tx 75043



X-PRAY

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
NORTHERN DISTRICT OF TEXAS  
1100 COMMERCE - room 1452  
DALLAS, Tx 75242 - 1495

